S.B.Civil Misc.Appeal No.287/92
Central State Farm Corporation
vs.
Smt. Parmasheweri

Date of Order: 05.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. D.K.Parihar for the appellant.
Mr. S.L. Jain for the respondent.

Heard learned counsel for the parties.

The appeal is against the award passed by the learned Workmen Compensation Commissioner,Sri Ganganagar dated 28.4.1992.

Brief facts of the case are that the deceased employee was working in the employment of the appellant and he died because of snake bite on 11.10.1989 when he was opening the water for the irrigation. He was of the age of 22 years and was getting salary of Rs.450/-. The claimant claimed the compensation of Rs.39,847/- with interest and penalty.

The learned Workmen Compensation Commissioner held that the deceased was in the employment of the appellant and was discharging his duties and at that time, he died because of the snake bite. It was time of the mid-night (11 p.m.) and his salary is not in dispute. In these facts, the learned Workmen Compensation Commissioner awarded the compensation of Rs.39,847/- and imposed penalty at the rate of 50% amounting to Rs.19,923/- and awarded 6% interest amounting to

Rs.8,365/-, in total Rs.68,135/-.

According to the learned counsel for the appellant, the employee died due to snake bite and not while working on the job assigned to him for opening the water for irrigation. Therefore, the learned Workmen Compensation Commissioner erred in law in awarding the compensation. It is also submitted that the learned Workmen Compensation Commissioner should not have imposed penalty and also should not have awarded the interest.

I considered the facts of the case and perused the record.

It appears from the record that the claimant proved their case by producing evidence of PW-1 Panna Lal, PW-2 Sultana Ram, PW-3 Hotam Singh, whereas the appellant produced witnesses DW-1 Chandra Pal, DW-2 K.P.Singh and PW-3 Shivveer Singh. The learned Commissioner relied upon the statements of the persons who were working with the deceased employee and his death due to snake bite has been proved by Ex.A.1 medical certificate issued by the Government Hospital. The finding of fact recorded by the learned Commissioner is based on evidence and this Court is not inclined to re-appreciate the evidence because of the simple reason that the appellant's witnesses as well as the respondent's witnesses evidence was fully considered by the court below and it is not a case of misreading of the evidence of any of the witnesses. Rather say, the learned Commissioner rightly held that the

employee died due to snake bite while he was working and discharging his duties under the employment.

So far as award of compensation is concerned, that has been in accordance with law and the penalty of 50% has been imposed. Looking to the facts of the case that a young person of age of 22 years died in the year 1988 and no compensation has been paid by the employer till 4.1.1990 and, therefore, the claim petition has been filed by the claimant. In view of the above, the penalty and interest have been rightly awarded by the learned Workmen Compensation Commissioner.

Therefore, I do not find any merit in this appeal and the same is hereby dismissed.

(**PRAKASH TATIA),J.**

mlt.